

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RONNELL COVINGTON DAVIS,)
)
)
Appellant,)
)
v.) 1:20CV644
)
HEAG PAIN MANAGEMENT CENTER,)
P.A.,)
)
Appellee.)

ORDER AND JUDGMENT

This matter comes before the court on the Motion to Dismiss Appeal filed by the United States Bankruptcy Administrator, (Doc. 3), seeking dismissal of the Appeal by the Debtor filed in this court on July 13, 2020, (Doc. 1). Appellant failed to respond to the Motion to Dismiss, and the court entered an Order, (Doc. 4), directing Appellant to provide sufficient explanation within 14 days as to why this appeal should not be dismissed. That deadline has passed, and Appellant has still failed to respond and has failed to comply with the court's order, (Doc. 4).

The order specifically warned Appellant that the court would dismiss this appeal for failure to prosecute unless Appellant explained his failure to comply with Fed. R. Bankr. P. 8009. (Doc. 4 at 4.) As noted above, Appellant still has not

responded in any way. He has failed to respond to the Motion to Dismiss and has further failed to file a response as directed in the court's order. In view of the foregoing, the court finds appellant has had notice and an opportunity to explain the delay within the meaning of In re Serra Builders, Inc., 970 F.2d 1309, 1311 (4th Cir. 1992), and In re Broadnax, 122 F. App'x 81, 82 (4th Cir. 2005). Dismissal of the appeal is warranted.

IT IS THEREFORE ORDERED AND ADJUDGED that this case is **DISMISSED** without prejudice for failure to prosecute and failure to comply with the court's order, (Doc. 4), pursuant to Fed. R. Bankr. P. 8003(a)(2).

IT IS FURTHER ORDERED AND ADJUDGED that the Motion to Dismiss, (Doc. 3), is **DENIED AS MOOT**.

This the 16th day of December, 2020.

William L. Osten, Jr.
United States District Judge